Haines Borough Borough Assembly Meeting #243 April 9, 2013 MINUTES

Approved

- 1. <u>CALL TO ORDER/PLEDGE TO THE FLAG</u>: Mayor **SCOTT** called the meeting to order at 6:30 p.m. in the Assembly Chambers and led the pledge to the flag.
- 2. ROLL CALL

Present: Mayor Stephanie **SCOTT**, and Assembly Members Debra **SCHNABEL**, Dave **BERRY**, Joanne **WATERMAN**, Jerry **LAPP**, Norman **SMITH**, and Steve **VICK**.

Staff Present: Mark **EARNEST**/Borough Manager, Julie **COZZI**/Borough Clerk, Jila **STUART**/Finance Director, Michelle **WEBB**/Deputy Clerk, Gary **LOWE**/Chief of Police, Carlos **JIMENEZ**/Director of Public Facilities, Darsie **CULBECK**/Executive Assistant to the Manager, Tanya **CARLSON**/Tourism Director, and Jerrie **CLARKE**/Museum Director.

Visitors Present: Karen GARCIA/CVN, Margaret FRIEDENAUER/KHNS, Bill KURZ, Dave KAMMERER, Shannon DONAHUE (via phone), Kelly LOWE, Pam RANDLES, David and Viva LANDRY, Laverne BRYANT, Heidi ROBICHAUD, and others.

3. APPROVAL OF AGENDA & CONSENT AGENDA

The following Items were on the published consent agenda:

- 4 Approve Assembly Meeting Minutes
- 8B Chilkat Center Facility Report
- 11A1 Adoption of Resolution 13-04-451
- 11A2 Adoption of Resolution 13-04-452
- 11A3 Adoption of Resolution 13-04-453
- 11A4 Adoption of Resolution 13-04-454
- 11A5 Adoption of Resolution 13-04-455
- 11B1 Introduction of Ordinance 13-04-322
- 11C1 Approve Support Letter for CIA Grant Application

Motion: LAPP moved to "approve the agenda/consent agenda," and it was amended to move 11C3 to follow item 6. The agenda, as amended, was approved unanimously.

- * 4. APPROVAL OF MINUTES March 26, 2013 Regular and March 15, 2013 Special
 - 5. PUBLIC COMMENTS None
 - 6. MAYOR'S COMMENTS/REPORT

Mayor **SCOTT** said since the assembly asked the manager and her to talk with the Alaska Marine Highway System (AMHS) about overnight parking at the Haines ferry terminal, communication with AMHS General Manager Captain John Falvey has taken place. He is willing to work with Haines to come up with a plan prior to installing *no parking* signs.

11C3 - Matters Concerning the Chief of Police - moved to this point during approval of the agenda.

<u>Motion</u>: WATERMAN moved to "meet in executive session as allowed by AS 44.62.310(c)(2) and Haines Borough Charter Section 18.03 to discuss personnel matters concerning the police chief because a public discussion may tend to prejudice the character and reputations of those involved; the manager and borough attorney are requested to attend." The motion carried unanimously.

Present: Mayor Scott; Assembly Members Waterman, Lapp, Berry, Smith, Schnabel, and Vick; Manager Earnest; and Attorney Brooks Chandler. The executive session began at 6:36 and ended at 7:14.

<u>Motion</u>: LAPP moved to "accept the negotiated separation agreement with Gary Lowe and the Haines Borough and authorize the mayor to sign the agreement on behalf of the assembly," and the motion carried unanimously in a roll call vote.

It was announced the agreement will become a public document at the start of business on April 16.

7. PUBLIC HEARINGS

A. Commercial Tour Permit - New for 2013

Note: Viva and David Landry, Anytime Taxi & Tours, have applied for a new 2013 Commercial Tour Permit to operate a taxi service within the Haines Borough. They propose to provide taxi service within the townsite and to/from the ferry terminal and the airport. Additionally, they would like to offer tours based on Haines history and Tlingit culture.

Mayor **SCOTT** opened the public hearing at 7:16pm.

V.**LANDRY** explained the business plans and said she is still working on some details. She believes there is a lot of history along the Chilkoot River Corridor, especially related to the culture camp. Many people and organizations, including the clinic, are very happy there may be another taxi. She thanked everyone for the support and feedback she has received.

The mayor closed the public hearing at 7:21pm.

<u>Motion</u>: LAPP moved to "authorize the borough clerk to process the Anytime Taxi & Tours application and, if everything is in order, issue a 2013 commercial tour permit," and the motion carried unanimously in a roll call vote. There was no discussion.

B. Ordinance 13-03-316 - First Hearing

An Ordinance of the Haines Borough amending Haines Borough Code Section 3.60.160(D) to clarify the wage and bonding requirements for public construction projects and to change the project amount that is subject to minimum wage rates to match the state's increase from \$2,000 to \$25,000.

Mayor **SCOTT** opened and closed the public hearing at 7:22pm; there were no public comments.

<u>Motion</u>: **BERRY** moved to "advance Ordinance 13-03-316 to a second public hearing on 4/23/13," and the motion carried unanimously. There was no discussion.

C. Ordinance 13-03-317 - First Hearing

An Ordinance of the Haines Borough amending Borough Code Title 2, Section 2.10.200(B) to remove the requirement for assembly approval in order for a member to participate by teleconference and to clarify cost responsibility.

Mayor **SCOTT** opened and closed the public hearing at 7:24pm; there were no public comments.

<u>Motion</u>: WATERMAN moved to "advance Ordinance 13-03-317 to a second public hearing on 4/23/13," and the motion carried unanimously. There was no discussion.

D. Ordinance 13-03-318 - First Hearing

An Ordinance of the Haines Borough amending Borough Code Title 3, Chapter 3.33 to correct the name of the Port Chilkoot Dock Enterprise Fund.

Mayor SCOTT opened and closed the public hearing at 7:24pm; there were no public comments.

<u>Motion</u>: **BERRY** moved to "advance Ordinance 13-03-318 to a second public hearing on 4/23/13," and the motion carried unanimously. There was no discussion.

E. Ordinance 13-03-319 - First Hearing

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.04.010 to stipulate school district budget submittal and appropriation dates.

Mayor **SCOTT** opened and closed the public hearing at 7:25pm; there were no public comments.

<u>Motion</u>: WATERMAN moved to "advance Ordinance 13-03-318 to a second public hearing on 4/23/13," and the motion carried unanimously. There was no discussion.

F. Ordinance 13-03-320 - First Hearing

An Ordinance of the Haines Borough determining whether foreclosed properties deeded to the borough shall be retained for a public purpose or sold.

Mayor **SCOTT** opened and closed the public hearing at 7:27pm; there were no public comments.

<u>Motion</u>: **WATERMAN** moved to "advance Ordinance 13-03-320 to a second public hearing on 4/23/13," and it was amended to replace it in its entirety with the proposed substitute ordinance. The motion carried unanimously. There was no discussion.

E. Ordinance 13-03-321 - First Hearing

An Ordinance of the Haines Borough amending Borough Code Title 7, Section 7.08.010 to discontinue the Fire Service Area #1 Board.

Mayor **SCOTT** opened and closed the public hearing at 7:28pm; there were no public comments.

<u>Motion</u>: LAPP moved to "advance Ordinance 13-03-321 to a second public hearing on 4/23/13," and the motion carried unanimously. There was no discussion.

Mayor **SCOTT** said she attended the last FSA1 Board meeting to discuss the ordinance. The majority

of the board members believe the board is not necessary. There are a few issues such as differential taxation that could be addressed by another committee, such as Government Affairs & Services.

8. STAFF/FACILITY REPORTS

A. Borough Manager - 4/9/13

EARNEST summarized his written report.

SMITH asked when the results of the random heliski GPS samples will be out. **CULBECK** said the results may be posted on the borough's website by Monday, the 15th.

***B.** Chilkat Center for the Arts - March 2013 Report

9. COMMITTEE/COMMISSION/BOARD REPORTS & MINUTES

A. Assembly Standing Committee Reports

LAPP said the committee met to discuss the funding source for the Mosquito Lake School fire suppression system and their recommendation will be part of the FY13 budget amendment ordinance that will be coming to the assembly. The committee discussed additional budget amendments and will meet again prior to the next assembly meeting to continue review prior to the ordinance being introduced.

10. UNFINISHED BUSINESS - None

11. NEW BUSINESS

A. Resolutions

***1.** Resolution 13-04-451

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to contract with River Adventures for \$80 per hour for the operation of the 2013 Visitor Shuttle Service.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-451."

* 2. Resolution 13-04-452

A Resolution of the Haines Borough Assembly in support of restoring certain components of Power Cost Equalization that existed prior to 1999 and including small-business rate payers in the program.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-452."

*3. Resolution 13-04-453

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to purchase from EMP Industries a harbor pump-out system for \$15,420.94.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-453."

* 4. Resolution 13-04-454

A Resolution of the Haines Borough Assembly supporting efforts to modify the PERS Termination Studies law to provide municipalities with the operational flexibility to effectively manage the delivery of programs and services.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-454."

***5.** Resolution 13-04-455

A Resolution of the Haines Borough Assembly authorizing the Borough Manager to enter into a construction contract with Pacific Pile & Marine, L.P. for the Port Chilkoot Dock and Letnikof Cove Renovations project for an amount not-to-exceed \$5,804,340.00.

The motion adopted by approval of the consent agenda: "adopt Resolution 13-04-455."

B. Ordinances for Introduction

*1. Ordinance 13-04-322

An Ordinance of the Haines Borough amending Borough Code Title 3, Section 3.72.100 to change the assessment appeal deadline to be in compliance with state law.

The motion adopted by approval of the consent agenda: "introduce Ordinance 13-04-322 and set a first public hearing for 4/23/13."

C. Other New Business

*1. Support Letter for CIA Pellet Facility Grant

Note: the borough was asked for a support letter for a CIA application to the USDA for a grant for borough letter of support for the CIA application to the USDA for grant funding for engineering of engineering regarding a wood pellet production facility in Haines. Mayor Scott drafted a letter and sought assembly approval. Motion adopted by approval of the consent agenda: "approve the a wood pellet production facility in Haines."

2. Reconsideration of 3/26/13 Motion – Great Bear Foundation (GBF) Commercial Tour Note: The following motion failed during the 3/26/13 assembly meeting: "authorize the borough clerk to process the Great Bear Foundation application and, if everything is in order, issue a 2013 commercial tour permit." Vick, Waterman, and Lapp voted yes, and Schnabel, Smith, and Berry voted no. The mayor broke the tie in the negative, so the motion failed 3-4. A member of the prevailing side, assembly member Berry, stated his intention to ask for reconsideration.

<u>Motion</u>: **BERRY** moved to reconsider the 3/26/13 motion to approve the Great Bear Foundation tour, and it carried unanimously.

This returned the motion to authorize the borough clerk to process the Great Bear Foundation application and, if everything is in order, issue a 2013 commercial tour permit to the table.

During the discussion, **BERRY** explained his reason for voting no previously was because of concerns about sales tax. After discussions with **DONAHUE**, he feels comfortable voting for it knowing she intends to charge sales tax as part of the price of the tours. **SCHNABEL** said many people in the community have made convincing arguments that it is not the assembly's job to manage a state park and that makes some sense to her. State Parks will be coming to Haines soon to discuss traffic concerns in the Chilkoot River Corridor. When they determine the capacity limits, the assembly can use that as a guide for making future decisions involving that area. Mayor **SCOTT** said she has had conversations with **DONAHUE**, as well, and has become convinced that the proposed activities are more classes than tours. **SCHNABEL** asked about the possibility of being one of the first walking tours into the Chilkoot River Corridor. **DONAHUE** will consider it but there are a lot of reasons to have a vehicle or at least access to one. **SMITH** asked if she still plans to pursue sales tax exemption status. **DONAHUE** said she will voluntarily charge sales tax for the tours but for the foundation she would like to be sales tax exempt. [Note: there was some discussion about making the charging of sales tax a condition of the permit, but no action was taken on that.]

The motion carried unanimously in a roll call vote.

- **3.** <u>Matters Concerning the Chief of Police</u> This item was moved up to follow Item 6 during approval of the agenda.
- 12. CORRESPONDENCE/REQUESTS None
- 13. SET MEETING DATES
 - A. Finance Committee Monday, 4/15, 5:30pm Topic: Proposed FY13 Budget Amendments.
 - **B.** Commerce Committee Monday, 4/15, 4:30pm Topics: 1) Towing, 2) Garbage issues, and 3) Other misc. commerce-related matters.
- 14. PUBLIC COMMENTS None
- 15. ANNOUNCEMENTS/ASSEMBLY COMMENTS

EARNEST said he has a planned vacation for the last two weeks in June.

Mayor **SCOTT** reported there is a problem with fireworks in the Mosquito Lake area. Officer Bentz is aware of the issue and the state troopers have promised to take care of it.

16. ADJOURNMENT - 7:55pm

Motion: WATERMAN moved to "adjourn the meeting," and the motion carried unanimously.

OCTOBER 17 2002

PIE OF ALP

ATTEST:

Julie Cozzi, MMC, Borough Clerk

Stephanie Scott, Mayo